

At the conclusion of Chief Justice Phillips' address, Speaker Lewis acknowledged the presence of justices of the Supreme Court, judges of the Court of Criminal Appeals, chief justices and justices of the Courts of Appeals and other distinguished members of the judiciary.

MEMORIAL RESOLUTION

S.R. 114 - By Dickson: In memory of R. S. Moseley of Rochelle.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 111 - By Zaffirini: Extending welcome to the 100 young vocalists from Uvalde, Seguin and West San Antonio celebrating Public Health Day in Texas by performing in the Capitol Rotunda.

S.R. 116 - By Green: Extending congratulations to Eddie Barrett of Barrett Station on retiring from Shell Oil Company after 40 years of service.

S.R. 117 - By Henderson: Extending congratulations to Stuart Bush on achieving the rank of Eagle Scout.

S.R. 118 - By Henderson: Extending congratulations to Mitchell Sadler on achieving the rank of Eagle Scout.

S.R. 119 - By Henderson: Extending congratulations to Gregory Corinth on achieving the rank of Eagle Scout.

S.R. 121 - By Bivins: Extending congratulations to Rufe Jordan of Pampa for his 38 years of service as sheriff of Gray County.

S.R. 122 - By Bivins: Extending congratulations to Captain Robert Max Russell of Amarillo on retiring from the Department of Public Safety after more than 35 years of service.

S.R. 123 - By Johnson: Extending congratulations to the Alpha Xi Omega Chapter of Alpha Kappa Alpha Sorority, Incorporated, Dallas, on its 60th anniversary.

ADJOURNMENT

The President announced the purpose of the Joint Session had been accomplished and declared the Senate at 10:54 a.m. would stand adjourned until 11:00 a.m. tomorrow in accordance with a motion previously adopted by the Senate.

THIRTEENTH DAY (Wednesday, February 15, 1989)

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Ratliff, Santiesteban, Sims, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

A quorum was announced present.

Dr. Patricia Hayes, President of St. Edwards University, Austin, Texas, offered the invocation as follows:

God, let us take a moment to bring the wonderful and sometimes noisy things in our lives into a quiet space and reflect a moment on what is most important. God, we ask Your blessing on these men and women who offer their gifts to our community and leadership. Give them patience to listen to one another and to listen to their constituents. Give them clear vision to see and do what is most important with our limited resources. Give them faithfulness to stay the course when progress is slow, and deep respect for one another. Bless this State and all its people. Let it be a family of mutual concern with special care for its children and its poor and, in these difficult economic times, for all who suffer adversity. Today as we gather, renew our commitment and our creativity to mold economic and political and technological forces to make this a more human community. Thank You for our lives, for those we love, for the work we have, for the privilege of being in this State of Texas and today especially, as we begin our deliberations, be with us and guide us. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

REPORTS OF STANDING COMMITTEES

Senator Sims submitted the following report for the Committee on Administration:

S.C.R. 2

Senator McFarland submitted the following report for the Committee on Criminal Justice:

S.B. 190

Senator Uribe, Acting Chairman, submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 29

Senator McFarland submitted the following report for the Committee on Criminal Justice:

C.S.S.B. 60

C.S.S.B. 192

Senator Brooks submitted the following report for the Committee on Health and Human Services:

S.B. 1

S.B. 97

Senator Truan, Acting Chairman, submitted the following report for the Committee on Health and Human Services:

S.B. 120

Senator Brooks submitted the following report for the Committee on Health and Human Services:

C.S.S.B. 204

C.S.S.B. 115

Senator Parmer submitted the following report for the Committee on Intergovernmental Relations:

S.B. 229
S.B. 66
S.B. 314
S.B. 239
S.B. 51
S.B. 63
S.B. 250
S.B. 124
C.S.S.B. 144
C.S.S.B. 24

Senator Glasgow submitted the following report for the Committee on Jurisprudence:

S.B. 307
S.B. 308
S.B. 39
S.B. 44
S.B. 310
S.B. 143
S.C.R. 18
S.B. 180
S.B. 181
C.S.S.B. 187

Senator Edwards submitted the following report for the Committee on Nominations:

We, your Committee on Nominations, to which were referred the attached appointments, have had same under consideration, and report them back to the Senate for final consideration.

To be Members of the BOARD OF REGENTS, THE UNIVERSITY OF TEXAS SYSTEM: Robert J. Cruikshank, Harris County; Thomas Gilbert Loeffler, Mason County.

To be a Member of the STATE COMMISSION ON JUDICIAL CONDUCT: Judge Homer Salinas, Hidalgo County.

To be Members of the STATE BOARD OF NURSE EXAMINERS: Mrs. Lynn Curtis Besselman, Potter County; Ms. Eileen Marie Piwetz, Midland County; Mrs. Aimee Joanna Seamans, Bexar County.

To be Members of the STATE BOARD OF PHARMACY: Michael Keith Lester, Dallas County; Jerry D. Pyle, Tarrant County; Mr. Charles Lambie Rittenberry, Potter County.

To be Members of the STATE BOARD OF VOCATIONAL NURSE EXAMINERS: Ms. Virginia M. Bauman, Cameron County; Mrs. Norma Jean Clark, Denton County; Mrs. Sandra Underwood Knight, Anderson County; Wayne Lee Ogburn, Taylor County; Mrs. Charlotte Jane Sifford, Oldham County.

To be a Member of the STATE BOARD OF DENTAL EXAMINERS: Mrs. Mary C. Spinks, Harris County.

To be Members of the TEXAS STATE BOARD OF EXAMINERS OF DIETITIANS: Mrs. Lydia Damrel, Orange County; Mrs. Pattye Greer,

Nacogdoches County; Ms. Helen P. O'Reilly, Dallas County; Ms. Alana Davis Webb, Williamson County.

SENATE BILLS ON FIRST READING

The following bills were introduced, read first time and referred to the Committee indicated:

S.B. 517 by Green Criminal Justice
Relating to the offense of failure to identify oneself to a peace officer.

S.B. 518 by Green Jurisprudence
Relating to the requirement that notice of certain proceedings or orders be given to the surety of a personal representative.

S.B. 519 by Green Education
Relating to violation of the competitive bidding requirements applicable to purchases by a school district; providing for criminal penalties.

S.B. 520 by Green Education
Relating to the continuation and functions of the Compact for Education Commissioners for Texas.

S.B. 521 by Green Jurisprudence
Relating to the personal service of citation or other civil process.

S.B. 522 by Glasgow Health and Human Services
Relating to public hospitals.

S.B. 523 by Glasgow Criminal Justice
Relating to the selection of a grand jury and to procedures before the grand jury.

S.B. 524 by Johnson, Parker, Zaffirini, Education
Truan, Barrientos, Krier
Relating to pilot programs for early childhood education.

S.B. 525 by Tejeda Intergovernmental Relations
Relating to the authority of municipalities and counties to license and otherwise regulate sexually oriented businesses; providing a penalty.

S.B. 526 by Sims Health and Human Services
Relating to the election of the board of directors of the Crockett County Hospital District.

S.B. 527 by Armbrister Economic Development
Relating to notice of cancellation of certain insurance coverage.

S.B. 528 by Henderson State Affairs
Relating to the abolishment of the state board of canvassers.

S.B. 529 by Henderson Natural Resources
Relating to the continuation, name change, and operation of the Natural Fibers and Food Protein Commission.

S.B. 530 by Henderson Natural Resources
Relating to the continuation and functions of the Texas Animal Health Commission.

S.B. 531 by Henderson Finance
Relating to the continuation and operation of the State Property Tax Board.

- S.B. 532** by Parmer Natural Resources
Relating to water quality permit limitations in certain watersheds.
- S.B. 533** by Parmer Natural Resources
Relating to the investigation and the inspection of conditions relating to water quality in certain watersheds by the Tarrant County Water Control and Improvement District Number One; providing penalties.
- S.B. 534** by Parmer Intergovernmental Relations
Relating to the investment of funds by certain districts and authorities.
- S.B. 535** by Parmer Natural Resources
Relating to exploration and drilling for and production, mining, and storage of oil, gas, and other minerals and resources in the area of lakes, reservoirs, and basins.
- S.B. 536** by Barrientos Health and Human Services
Relating to the Texas AIDS medication grant program.
- S.B. 537** by Harris Economic Development
Relating to the delegation of the duties of a county judge to hear alcoholic beverage permit and license applications.
- S.B. 538** by Leedom State Affairs
Relating to the operation of aircraft by state agencies.
- S.B. 539** by Leedom Criminal Justice
Relating to the reporting of the seizure and forfeiture of aircraft.
- S.B. 540** by Leedom State Affairs
Relating to investment of assets administered by the board of trustees of the Employees Retirement System of Texas.
- S.B. 541** by Leedom State Affairs
Relating to analysis of projects financed with bonds issued by the Texas Public Finance Authority.
- S.B. 542** by Leedom Natural Resources
Relating to the procedure for the sale or lease of state land.
- S.B. 543** by Brooks Finance
Relating to recording requirements for an instrument conveying an interest in real property.
- S.B. 544** by Truan State Affairs
Relating to the administration of certain state lands by the Texas Radiation Control Agency.
- S.B. 545** by Truan Health and Human Services
Relating to the approval of certain state employee health fitness programs by the Texas Department of Health.
- S.B. 546** by Edwards State Affairs
Relating to acceptance of a resignation from public office.

CO-AUTHORS OF SENATE BILL 97

On motion of Senator Edwards and by unanimous consent, Senators Parmer and Truan will be shown as Co-authors of S.B. 97.

CO-AUTHOR OF SENATE BILL 332

On motion of Senator Edwards and by unanimous consent, Senator Truan will be shown as Co-author of S.B. 332.

CO-AUTHOR OF SENATE BILL 120

On motion of Senator Brooks and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 120**.

CO-AUTHOR OF SENATE BILL 1

On motion of Senator Parmer and by unanimous consent, Senator Truan will be shown as Co-author of **S.B. 1**.

CO-AUTHOR OF SENATE BILL 421

On motion of Senator Brown and by unanimous consent, Senator Leedom will be shown as Co-author of **S.B. 421**.

GUEST PRESENTED

Senator Sims was recognized and introduced to the Senate the father of Senator Ratliff, Tom Ratliff of Eldorado.

Mr. Ratliff received the welcome of the Senate.

GUESTS PRESENTED

Senator Bivins was recognized and presented Dr. John Green and his wife, Marybeth, of Amarillo.

Dr. Green, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was welcomed by the Senate and received an expression of gratitude for his service today.

NOTICE OF CONSIDERATION OF NOMINATIONS

Senator Edwards gave notice that he would tomorrow at the conclusion of Morning Call submit to the Senate for consideration nominations to agencies, boards and commissions of the State.

GUEST PRESENTED

Upon recognition, Senator Johnson introduced former state treasurer Warren Harding.

Mr. Harding was welcomed by the Senate.

SENATE BILL 78 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 78, Relating to the expenditure of constitutionally appropriated funds at Lamar University at Port Arthur and Lamar University at Orange.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 78 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 78** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**MOTION TO PLACE
SENATE BILL 162 ON SECOND READING**

Senator Leedom moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that S.B. 162 be taken up for consideration at this time:

S.B. 162, Relating to consent or refusal of a driver to submit to the taking of specimens of breath or blood.

The motion was lost by the following vote: Yeas 24, Nays 6. (Not receiving four-fifths vote of Members present)

Yeas: Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards, Glasgow, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parmer, Ratliff, Sims, Tejeda, Truan, Uribe, Whitmire, Zaffirini.

Nays: Armbrister, Barrientos, Haley, Parker, Santiesteban, Washington.

Absent: Green.

**COMMITTEE SUBSTITUTE
SENATE BILL 264 ON SECOND READING**

On motion of Senator Tejeda and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 264, Relating to criminal law magistrates in Bexar County.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 264 ON THIRD READING**

Senator Tejeda moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 264 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

GUESTS PRESENTED

Upon recognition, Senator Whitmire introduced the former chairman of the Highway Commission and present chairman of the board of the Metropolitan Transit Authority of Houston, Robert C. Lanier, and his wife, Elyse.

Mr. and Mrs. Lanier joined the President at the President's Rostrum.

**MOTION TO PLACE COMMITTEE SUBSTITUTE
SENATE BILL 127 ON SECOND READING**

Senator Green moved that the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution be suspended and that C.S.S.B. 127 be taken up for consideration at this time:

C.S.S.B. 127, Relating to the supplemental compensation of the district and appellate judges in Harris County.

The motion was lost by the following vote: Yeas 17, Nays 14. (Not receiving four-fifths vote of Members present)

Yeas: Barrientos, Bivins, Brooks, Brown, Edwards, Green, Henderson, Johnson, Krier, Leedom, Parmer, Tejeda, Truan, Uribe, Washington, Whitmire, Zaffirini.

Nays: Armbrister, Caperton, Carriker, Dickson, Glasgow, Haley, Harris, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims.

GUEST PRESENTED

Senator Truan was recognized and presented to the Senate the Honorable Richard Anderson, former Member of the Senate.

The Senate welcomed this former colleague.

SENATE BILL 335 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 335, Relating to the creation, administration, powers, duties, operation, and financing of the McCulloch County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

The bill was read second time and was passed to engrossment viva voce vote.

SENATE BILL 335 ON THIRD READING

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that **S.B. 335** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

COMMITTEE SUBSTITUTE

SENATE BILL 315 ON SECOND READING

On motion of Senator Dickson and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 315, Relating to the creation, administration, powers, duties, operation, and financing of the Nolan County Hospital District; authorizing a tax; granting the authority to issue bonds; and granting the power of eminent domain.

The bill was read second time and was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 315 ON THIRD READING**

Senator Dickson moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 315 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON SECOND READING**

On motion of Senator Brown and by unanimous consent, the regular order of business, Senate Rule 7.14 and Section 5 of Article III of the State Constitution were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 5. Relating to the establishment and maintenance of artificial reefs; establishing an artificial reef fund; making an appropriation.

The bill was read second time.

Senator Johnson offered the following amendment to the bill:

Floor Amendment No. 1

Amend C.S.S.B. 5, SUBCHAPTER C. ARTIFICIAL REEF FUND, Section 89.041, by adding subsection (c), to read as follows:

(c) All funds used in the development and implementation of this plan shall come from the artificial reef fund. No state general revenue funds shall be expended in the development or implementation of this plan.

The amendment was read and was adopted viva voce vote.

Senator Truan offered the following amendment to the bill:

Floor Amendment No. 2

Amend C.S.S.B. 5 by adding in Section 1, Section 89.044 to read as follows:

Sec. 89.044. FEE. Prior to transfer of title of artificial reef construction materials consisting of any structure used for oil or gas production, the person transferring title shall deposit a fee of \$200,000 in the artificial reef fund.

The amendment was read.

On motion of Senator Brown, the amendment was tabled by the following vote: Yeas 24, Nays 6.

Yeas: Armbrister, Bivins, Brooks, Brown, Caperton, Carriker, Edwards, Green, Haley, Harris, Henderson, Johnson, Krier, Leedom, Lyon, McFarland, Montford, Parker, Ratliff, Santiesteban, Sims, Uribe, Washington, Whitmire.

Nays: Barrientos, Glasgow, Parmer, Tejeda, Truan, Zaffirini.

Absent: Dickson.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment viva voce vote.

**COMMITTEE SUBSTITUTE
SENATE BILL 5 ON THIRD READING**

Senator Brown moved that the Constitutional Rule and Senate Rule 7.19 requiring bills to be read on three several days be suspended and that C.S.S.B. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Washington.

The bill was read third time and was passed by the following vote: Yeas 31, Nays 0.

MEMORIAL RESOLUTION

S.R. 124 - By Montford: In memory of Earl R. Malone of Lubbock.

CONGRATULATORY RESOLUTIONS

S.C.R. 44 - By Leedom: Extending congratulations to the Texas Department of Labor and Standards on its 80th anniversary.

S.R. 125 - By Brown: Extending congratulations to Mrs. Emily Gensler on her 100th birthday.

S.R. 126 - By Truan: Extending congratulations to William Dudley Johnson on his 83rd birthday.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:11 p.m. adjourned until 11:00 a.m. tomorrow.

APPENDIX

Signed by Governor
(February 13, 1989)

S.C.R. 19

S.C.R. 27

S.C.R. 28

Filed with Secretary of State
(February 14, 1989)

H.C.R. 32

**FOURTEENTH DAY
(Thursday, February 16, 1989)**

The Senate met at 11:00 a.m. pursuant to adjournment and was called to order by President Pro Tempore Leedom.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brooks, Brown, Caperton, Carriker, Dickson, Edwards,